

**REMARKS**

Claims 1-26 are pending in this application. Applicants gratefully acknowledge withdrawal of the Election of Species Requirement. Claims 8-12, 15, 21, 22, 24 and 26 are withdrawn from consideration as being drawn to a non-elected Group. Rejoinder of claims 8-12, 15, 21, 22, 24 and 26 is respectfully requested.

By this Amendment, claims 1, 5, 16, 19, 23 and 25 are amended to recite features supported in the specification at, for example, paragraph [0082] and Fig. 10. No new matter is added by any of these amendments.

Reconsideration based on the following remarks is respectfully requested.

**I. The Claim Satisfy Obviousness-Type Double Patenting Requirements**

The Office Action provisionally rejects claims 1-7, 13, 14, 16-20, 23 and 25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10, 12-16 and 55-61 of co-pending application 10/301,917 published as U.S. Patent Application Publication 2003/0151637 to Nakamura *et al.* ("Nakamura" and corresponding to Docket 114311). This provisional rejection is respectfully traversed.

Because co-pending application Nakamura (Application 10/301,917) has not been allowed or issued, filing a Terminal Disclaimer to obviate the provisional obviousness-type double-patenting rejections is premature. Withdrawal of the provisional obviousness-type double patenting rejection of claims 1-7, 13, 14, 16-20, 23 and 25 over Nakamura is respectfully requested.

The Office Action further provisionally rejects claims 1-7, 13, 14, 16-20, 23 and 25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of co-pending application 10/620,610 published as U.S. Patent Application Publication 2004/0032480 to Kawase *et al.* ("Kawase" and corresponding to Docket 110772.01) in view of U.S. Patent 6,145,981 to Akahira *et al.* ("Akahira '981") and

EPO Patent Publication EP 0 832 745 A2 to Akahira *et al.* (“Akahira ’745”). This provisional rejection is rendered moot.

The Office Action further rejects claims 1-7, 13, 14, 16-20, 23 and 25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-10 of co-pending application 10/186,427 issued as U.S. Patent 6,758,550 B2 to Ito *et al.* (“Ito” and corresponding to Docket 113112) in view of Akahira ’981 and Akahira ’745). This rejection (indicated to be provisional in the Office Action) is rendered moot.

A Terminal Disclaimer in compliance with 37 CFR §1.321(c) is filed herewith to obviate the provisional obviousness-type double patenting rejection of claims 1-7, 13, 14, 16-20, 23 and 25 over Kawase and to obviate the obviousness-type double patenting rejection of claims 1-7, 13, 14, 16-20, 23 and 25 over Ito. Withdrawal of the obviousness-type double patenting rejections of claims 1-7, 13, 14, 16-20, 23 and 25 over Kawase and over Ito is respectfully requested.

## **II. Claims 1-7, 13, 14, 16-20, 23 and 25 Define Patentable Subject Matter**

The Office Action rejects claims 1-7, 13, 14, 16-20, 23 and 25 under 35 U.S.C. §102(f) or (g)/103(a) over Ito in view of Akahira ’745 and Akahira ’981; claims 1-5, 13, 14 and 16-18 under 35 U.S.C. §102(e) over U.S. Patent 6,290,352 to Marumoto *et al.* (“Marumoto”); claims 1-7, 13, 14, 16-20, 23 and 25 under 35 U.S.C. §102(b) over Akahira ’981; claims 1-7, 13, 14, 16-20, 23 and 25 under 35 U.S.C. §102(b) over Akahira ’745; claims 9-20, 23 and 25 under 35 U.S.C. §103(a) over Akahira ’745 in view of Akahira ’981; claims 1-7, 13, 14, 16-20, 23 and 25 under 35 U.S.C. §103(a) over Ito in view of Akahira ’745 and Akahira ’981. These rejections are respectfully traversed.

Applicants submit that Ito does not qualify as prior art, having been filed on July 2, 2002, which is antedated by Applicants’ filing date. Therefore, Ito cannot be used in a rejection under 35 U.S.C. §§102(e), (f), (g) or 103(a).

Akahira '745, Akahira '981 and Marumoto do not teach or suggest an apparatus for discharging a material including, at least, an ink jet head that contains a plurality of heads and a control device that moves the ink jet head, the control device including first, second and third motors that rotate about first, second and third orthogonal axes, respectively, the third axis being parallel to a scanning direction, as recited in claim 1, 5, 16, 19, 23 and 25.

Instead, Akahira '745 discloses an ink jet print apparatus having a head unit 55 for operating in the X (scanning) direction and the Y (sub-scanning) direction. In particular, Akahira '745 teaches the head unit 55 having a plurality of heads 204a, b, c having nozzles 205, supported by corresponding holders 208a, b, c. The heads 204a, b, c pivot on rotating shafts 206a, b, c disposed on a slide member 214 and the holders 208a, b, c at the opposite end pivot at a right end on rotating shafts 212a, b. The slide member 214 translates in the X direction to adjust heads 204a, b, c to angle  $\theta$  from the Y direction (col. 17, lines 17-46 and Figs. 16 and 17 of Akahira '745).

Further, Akahira '981 discloses a material discharging apparatus for filter manufacturing that includes a plurality of heads 56 supported by an a support mechanism 55 moved by an adjustment mechanism 325 to angle  $\theta$  in the plane of a glass substrate 53 for scanning (col. 6, lines 1-14 and Fig. 1 of Akahira '981). In particular, Akahira '981 teaches an ink jet head 305 associated with a sensor 306 and a light source 307. The position of the ink jet head 306 can be adjusted by mechanisms 325, 326, 327 in the  $\theta$ , Z and Y directions (col. 16, lines 3-19 and Fig. 21 of Akahira '981).

Moreover, Marumoto discloses a color filter manufacturing apparatus 90 for a head unit 55 detachably mounted on a support 90a. In particular, Marumoto teaches a stage control unit 71 for controlling operation of the stage 52 in the X, Y and  $\theta$  directions (col. 5, lines 38-46 and Figs. 2 and 16 of Marumoto).

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations (MPEP §706.02(j)). Applicants assert that the Office Action fails to satisfy these requirements with Ito, Akahira '745, Akahira '981 and Marumoto.

### III. Conclusion

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Gerhard W. Thielman  
Registration No. 43,186

JAO:GWT/gwt

Attachment:

Terminal Disclaimer under 37 CFR §1.321

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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